

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE ENERGY LLC, )  
Plaintiff, )  
v. ) Civil Action No. 04-325 Erie  
VICTORY ENERGY OPERATIONS ) Judge Sean J. McLaughlin  
LLC, )  
Defendant )

## ORDER

AND NOW, this \_\_\_\_\_ day of April, 2007, the Defendant's Motion for Ruling  
That IKE is Judicially Estopped From Arguing That Designs and Drawings for "Non-Standard"  
Boilers Were Provided to VEO Under the License Agreement is granted and this Court hereby  
orders that Plaintiff is barred from referencing or attempting to introduce evidence that VEO  
received drawings or design information for any boiler other than Keystone M-Series boilers  
with tangent tube furnace walls, tangent tube outer walls, refractory front walls and tube and tile  
rear walls, under the confidentiality provisions of the License Agreement.

Sean J. McLaughlin  
United States District Judge